

ENGROSSED SENATE BILL No. 230

DIGEST OF SB 230 (Updated March 23, 2005 4:47 pm - DI 69)

Citations Affected: IC 5-2; IC 11-8.

Synopsis: Sex offender directory and victim notification. Adds registered neighborhood associations to the list of entities that must periodically receive the sex and violent offender directory published by the criminal justice institute. Allows the department of correction to establish an automated victim notification system. Allows a crime victim to register for the system by telephone. Provides that a system must notify a registered crime victim by telephone when: (1) a committed offender's status changes; (2) the offender is released or has escaped; or (3) the status of certain court cases changes. Allows a crime victim to obtain the most recent status of an offender by calling the system. Allows money in the victim and witness assistance fund to be used to establish and maintain a victim notification system. Provides that there is no cause of action based on a system's failure to notify. Requires a sheriff or the police chief of Indianapolis to notify the department when a sex offender files a new sex offender registration form if the department has established an automated victim notification system.

Effective: July 1, 2005.

Lubbers, Drozda, Young R Michael, Lanane, Waterman

(HOUSE SPONSORS — BECKER, VAN HAAFTEN)

January 4, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

January 19, 2005, amended, reported favorably — Do Pass.

January 24, 2005, read second time, ordered engrossed. Engrossed.

January 25, 2005, read third time, passed. Yeas 47, nays 0.

HOUSE ACTION

March 7, 2005, read first time and referred to Committee on Courts and Criminal Code. March 24, 2005, amended, reported — Do Pass.



First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 230

A BILL FOR AN ACT to amend the Indiana Code concerning criminal justice.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 5-2-6-3.5, AS AMENDED BY HEA 1288-2005,
SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2005]: Sec. 3.5. (a) The sex and violent offender directory
established under section 3 of this chapter must include the names of
each offender who is or has been required to register under IC 5-2-12.

- (b) The institute shall do the following:
 - (1) Update the directory at least one (1) time every six (6) months.
 - (2) Publish the directory on the Internet through the computer gateway administered by the intelenet commission under IC 5-21-2 and known as accessIndiana.
 - (3) Make the directory available on a computer disk and, at least one (1) time every six (6) months, send a copy of the computer disk to the following:
 - (A) All school corporations (as defined in IC 20-18-2-16).
 - (B) All nonpublic schools (as defined in IC 20-18-2-12).
 - (C) All state agencies that license individuals who work with children.

ES 230-LS 6948/DI 69+



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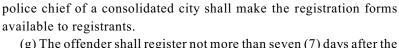
1	(D) The state personnel department to screen individuals who	
2	may be hired to work with children.	
3	(E) All child care facilities licensed by or registered in the	
4	state.	
5	(F) A neighborhood association that:	
6	(i) registers with the institute;	
7	(ii) includes a description of the geographic boundaries	
8	of the neighborhood association with its registration;	
9	(iii) requests a copy of the directory; and	
10	(iv) submits the name and address of a neighborhood	
11	association contact person to the institute at least one (1)	
12	time each year.	
13	(F) (G) Other entities that:	
14	(i) provide services to children; and	
15	(ii) request the directory.	
16	(4) Maintain a hyperlink on the institute's computer web site that	
17	permits users to connect to the Indiana sheriffs' sex offender	
18	registry web site established under IC 36-2-13-5.5.	
19	(5) Make a paper copy of the directory available upon request.	
20	(c) A copy of the directory:	
21	(1) provided to a child care facility under subsection (b)(3)(E);	=4
22	(2) provided to another entity that provides services to children	
23	under subsection (b)(3)(F); or	
24	(3) that is published on the Internet under subsection (b)(2);	_
25	must include the home address of an offender whose name appears in	
26	the directory.	
27	(d) When the institute publishes on the Internet or distributes a copy	
28	of the directory under subsection (b), the institute shall include a notice	V
29	using the following or similar language:	
30	"Based on information submitted to the criminal justice institute,	
31	a person whose name appears in this directory has been convicted	
32	of a sex offense or a violent offense or has been adjudicated a	
33	delinquent child for an act that would be a sex offense or violent	
34	offense if committed by an adult.".	
35	SECTION 2. IC 5-2-6-14 IS AMENDED TO READ AS FOLLOWS	
36	[EFFECTIVE JULY 1, 2005]: Sec. 14. (a) The victim and witness	
37	assistance fund is established. The institute shall administer the fund.	
38	Except as provided in subsection (e), expenditures from the fund may	
39	be made only in accordance with appropriations made by the general	
40	assembly.	
41	(b) The source of the victim and witness assistance fund is the	
42	family violence and victim assistance fund established by IC 12-18-5-2.	



1	(c) The institute may use money from the victim and witness	
2	assistance fund when awarding a grant or entering into a contract under	
3	this chapter, if the money is used for the support of a program in the	
4	office of a prosecuting attorney or in a state or local law enforcement	
5	agency designed to:	
6	(1) help evaluate the physical, emotional, and personal needs of	
7	a victim resulting from a crime, and counsel or refer the victim to	
8	those agencies or persons in the community that can provide the	
9	services needed;	
10	(2) provide transportation for victims and witnesses of crime to	
11	attend proceedings in the case when necessary; or	
12	(3) provide other services to victims or witnesses of crime when	
13	necessary to enable them to participate in criminal proceedings	
14	without undue hardship or trauma.	
15	(d) Money in the victim and witness assistance fund at the end of a	
16	particular fiscal year does not revert to the general fund.	
17	(e) The institute may use money in the fund to:	
18	(1) pay the costs of administering the fund, including	
19	expenditures for personnel and data;	
20	(2) establish and maintain the sex and violent offender directory	
21	under IC 5-2-12; and	
22	(3) provide training for persons to assist victims; and	
22	(3) provide training for persons to assist victims; and	
22 23	(3) provide training for persons to assist victims; and(4) establish and maintain a victim notification system underIC 11-8-7 if the department of correction establishes the system.	
22 23 24	 (3) provide training for persons to assist victims; and (4) establish and maintain a victim notification system under IC 11-8-7 if the department of correction establishes the system. SECTION 3. IC 5-2-12-5 IS AMENDED TO READ AS FOLLOWS 	
22 23 24 25	(3) provide training for persons to assist victims; and(4) establish and maintain a victim notification system underIC 11-8-7 if the department of correction establishes the system.	
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22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38	 (3) provide training for persons to assist victims; and (4) establish and maintain a victim notification system under IC 11-8-7 if the department of correction establishes the system. SECTION 3. IC 5-2-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Subject to section 13 of this chapter, the following persons must register under this chapter: (1) An offender who resides in Indiana. An offender resides in Indiana if either of the following applies: (A) The offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period. (B) The offender owns real property in Indiana and returns to Indiana at any time. (2) An offender not described in subdivision (1) who works or carries on a vocation or intends to work or carry on a vocation full time or part time for a period of time: (A) exceeding fourteen (14) consecutive days; or 	



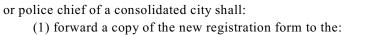
1	of government or educational benefit.
2	(3) An offender not described in subdivision (1) who is enrolled
3	or intends to be enrolled on a full-time or part-time basis in any
4	public or private educational institution, including any secondary
5	school, trade, or professional institution, or institution of higher
6	education in Indiana.
7	(b) Except as provided in subsection (e), an offender who resides in
8	Indiana shall register with the sheriff of the county where the offender
9	resides. If an offender resides in more than one (1) county, the offender
10	shall register with the sheriff of each county in which the offender
11	resides. However, if an offender resides in a county having a
12	consolidated city, the offender shall register with the police chief of the
13	consolidated city.
14	(c) An offender described in subsection (a)(2) shall register with the
15	sheriff of the county where the offender is or intends to be employed or
16	carry on a vocation. However, an offender described in subsection
17	(a)(2) who is employed or intends to be employed or to carry on a
18	vocation in a consolidated city shall register with the police chief of the
19	consolidated city. If an offender is or intends to be employed or carry
20	on a vocation in more than one (1) county, the offender shall register
21	with the sheriff of each county. However, if an offender is employed or
22	intends to be employed or to carry on a vocation in a county containing
23	a consolidated city and another county, the offender shall register with
24	the police chief of the consolidated city and the sheriff of the other
25	county.
26	(d) An offender described in subsection (a)(3) shall register with the
27	sheriff of the county where the offender is enrolled or intends to be
28	enrolled as a student. However, if an offender described in subsection
29	(a)(3) is enrolled or intends to be enrolled as a student in a county
30	containing a consolidated city, the offender shall register with the
31	police chief of the consolidated city.
32	(e) An offender described in subsection (a)(1)(B) shall register with
33	the sheriff in the county in which the real property is located. However,
34	if the offender owns real property in a county containing a consolidated
35	city, the offender shall register with the police chief of the consolidated
36	city.
37	(f) An offender shall complete a registration form. Each sheriff or

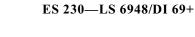


- (g) The offender shall register not more than seven (7) days after the offender:
 - (1) is released from a penal facility (as defined in IC 35-41-1-21);



1	(2) is released from a secure private facility (as defined in
2	IC 31-9-2-115);
3	(3) is released from a juvenile detention facility;
4	(4) is transferred to a community transition program;
5	(5) is placed on parole;
6	(6) is placed on probation;
7	(7) is placed on home detention; or
8	(8) arrives at the place where the offender is required to register
9	under subsection (b), (c), or (d);
0	whichever occurs first.
1	(h) Whenever an offender registers with a sheriff or the police chief
2	of a consolidated city, the sheriff or police chief shall immediately
3	notify the institute of the offender's registration by forwarding a copy
4	of the registration form to the institute.
5	(i) The sheriff with whom an offender registers under this section
6	shall make and publish a photograph of an offender on the Indiana
.7	sheriffs' sex offender registry web site established under
8	IC 36-2-13-5.5. The police chief of a consolidated city with whom an
9	offender registers under this section shall make a photograph of the
20	offender that complies with the requirements of IC 36-2-13-5.5 and
21	transmit the photograph (and other identifying information required by
22	IC 36-2-13-5.5) to the Indiana sheriffs' sex offender registry web site
23	established under IC 36-2-13-5.5. Every time a sex offender submits a
24	new registration form to the police chief of a consolidated city, but at
25	least once per year, the police chief shall make a photograph of the sex
26	offender that complies with the requirements of IC 36-2-13-5.5. The
27	police chief of a consolidated city shall transmit the photograph and a
28	copy of the registration form to the Indiana sheriffs' sex offender
29	registry web site established under IC 36-2-13-5.5. The sheriff of a
30	county containing a consolidated city shall provide the police chief of
31	a consolidated city with all photographic and computer equipment
32	necessary to enable the police chief of the consolidated city to transmit
33	sex offender photographs (and other identifying information required
4	by IC 36-2-13-5.5) to the Indiana sheriffs' sex offender registry web site
35	established under IC 36-2-13-5.5. In addition, the sheriff of a county
66	containing a consolidated city shall provide all funding for the county's
37	financial obligation for the establishment and maintenance of the
88	Indiana sheriff's sex offender registry web site established under
19	IC 36-2-13-5.5.
10	(j) When an offender completes a new registration form, the sheriff







1	(A) institute; and	
2	(B) department of correction if the department has	
3	established an automated victim notification system under	
4	IC 11-8-7; and	
5	(2) notify every law enforcement agency having jurisdiction in the	
6	area where the offender resides.	
7	SECTION 4. IC 11-8-7 IS ADDED TO THE INDIANA CODE AS	
8	A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY	
9	1, 2005]:	
10	Chapter 7. Victim Notification Services	
11	Sec. 1. As used in the chapter, "registered crime victim" refers	
12	to a crime victim who registers to receive victim notification	
13	services under section 2(a)(4) of this chapter if the department	
14	establishes an automated victim notification system under this	
15	chapter.	
16	Sec. 2. (a) The department may establish an automated victim	
17	notification system that must do the following:	
18	(1) Automatically notify a registered crime victim when a	
19	committed offender who committed the crime against the	
20	victim:	
21	(A) is assigned to a:	
22	(i) department facility; or	
23	(ii) county jail or any other facility not operated by the	
24	department;	
25	(B) is transferred to a:	
26	(i) department facility; or	
27	(ii) county jail or any other facility not operated by the	
28	department;	V
29	(C) is given a different security classification;	
30	(D) is released on temporary leave;	
31	(E) is discharged; or	
32	(F) has escaped.	
33	(2) Allow a registered crime victim to receive the most recent	
34	status report for an offender by calling the automated victim	
35	notification system on a toll free telephone number.	
36	(3) Notify a registered crime victim concerning a change in	
37	the status of:	
38	(A) a criminal appeal;	
39	(B) a writ of habeas corpus proceeding;	
40	(C) an appeal from the granting of a petition for	
41	postconviction relief; or	
42	(D) a postconviction proceeding in a capital case;	



1	concerning the committed offender who committed the crime	
2	against the registered crime victim.	
3	(4) Allow a crime victim to register or update the victim's	
4	registration for the automated victim notification system by	
5	calling a toll free telephone number.	
6	(b) For purposes of subsection (a), if the department establishes	
7	an automated victim notification system, a sheriff responsible for	
8	the operation of a county jail shall immediately notify the	
9	department if a committed offender:	
0	(1) is transferred to another county jail or another facility not	
.1	operated by the department of correction;	
2	(2) is released on temporary leave;	
.3	(3) is discharged; or	
4	(4) has escaped.	
5	Sheriffs and other law enforcement officers and prosecuting	
6	attorneys shall cooperate with the department in establishing and	
7	maintaining an automated victim notification system.	
8	(c) An automated victim notification system may transmit	
9	information to a person by:	
20	(1) telephone;	
21	(2) electronic mail; or	
22	(3) another method as determined by the department.	
23	Sec. 3. (a) The department must ensure that the offender	
24	information contained in an automated victim notification system	
25	is updated frequently enough to timely notify a registered crime	
26	victim that an offender has:	
27	(1) been released;	
28	(2) been discharged; or	V
29	(3) escaped.	
0	(b) The failure of an automated victim notification system to	
1	provide notice to the victim does not establish a separate cause of	
32	action by the victim against:	
3	(1) the state; or	
4	(2) the department.	
35	Sec. 4. If the department establishes an automated victim	
66	notification system under this chapter, the department, in	
57	cooperation with the Indiana criminal justice institute:	
8	(1) may use money in the victim and witness assistance fund	
9	under IC 5-2-6-14(e); and	
10	(2) shall seek:	
1	(A) federal grants; and	
-2	(B) other funding.	



Sec. 5. The department may adopt rules under IC 4-22-2 to

2 implement this chapter.

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SENATE MOTION

Madam President: I move that Senator Drozda be added as coauthor of Senate Bill 230.

LUBBERS

SENATE MOTION

Madam President: I move that Senators Young R Michael and Lanane be added as coauthors of Senate Bill 230.

LUBBERS

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 230, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 8, delete "and".

Page 2, line 9, delete "." and insert "; and

(iv) submits the name and address of a neighborhood association contact person to the institute at least one (1) time each year.".

C

and when so amended that said bill do pass.

(Reference is to SB 230 as introduced.)

LONG, Chairperson

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Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Madam President: I move that Senator Waterman be added as coauthor of Senate Bill 230.

LUBBERS

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 230, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal justice.

Page 1, line 1, after "IC 5-2-6-3.5" insert ", AS AMENDED BY HEA 1288-2005, SECTION 72,".

Page 1, line 14, delete "IC 20-1-6-1)." and insert "IC 20-18-2-16).".

Page 1, line 15, delete "IC 20-10.1-1-3)." and insert "IC 20-18-2-12).".

Page 2, after line 34, begin a new paragraph and insert:

"SECTION 2. IC 5-2-6-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) The victim and witness assistance fund is established. The institute shall administer the fund. Except as provided in subsection (e), expenditures from the fund may be made only in accordance with appropriations made by the general assembly.

- (b) The source of the victim and witness assistance fund is the family violence and victim assistance fund established by IC 12-18-5-2.
- (c) The institute may use money from the victim and witness assistance fund when awarding a grant or entering into a contract under this chapter, if the money is used for the support of a program in the office of a prosecuting attorney or in a state or local law enforcement agency designed to:
 - (1) help evaluate the physical, emotional, and personal needs of a victim resulting from a crime, and counsel or refer the victim to those agencies or persons in the community that can provide the services needed;
 - (2) provide transportation for victims and witnesses of crime to attend proceedings in the case when necessary; or
 - (3) provide other services to victims or witnesses of crime when necessary to enable them to participate in criminal proceedings without undue hardship or trauma.
- (d) Money in the victim and witness assistance fund at the end of a particular fiscal year does not revert to the general fund.
 - (e) The institute may use money in the fund to:
 - (1) pay the costs of administering the fund, including expenditures for personnel and data;
 - (2) establish and maintain the sex and violent offender directory











under IC 5-2-12; and

- (3) provide training for persons to assist victims; and
- (4) establish and maintain a victim notification system under IC 11-8-7 if the department of correction establishes the system.

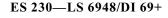
SECTION 3. IC 5-2-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Subject to section 13 of this chapter, the following persons must register under this chapter:

- (1) An offender who resides in Indiana. An offender resides in Indiana if either of the following applies:
 - (A) The offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.
 - (B) The offender owns real property in Indiana and returns to Indiana at any time.
- (2) An offender not described in subdivision (1) who works or carries on a vocation or intends to work or carry on a vocation full time or part time for a period of time:
 - (A) exceeding fourteen (14) consecutive days; or
- (B) for an aggregate period of time exceeding thirty (30) days; during any calendar year in Indiana, whether the offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.
- (3) An offender not described in subdivision (1) who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education in Indiana.
- (b) Except as provided in subsection (e), an offender who resides in Indiana shall register with the sheriff of the county where the offender resides. If an offender resides in more than one (1) county, the offender shall register with the sheriff of each county in which the offender resides. However, if an offender resides in a county having a consolidated city, the offender shall register with the police chief of the consolidated city.
- (c) An offender described in subsection (a)(2) shall register with the sheriff of the county where the offender is or intends to be employed or carry on a vocation. However, an offender described in subsection (a)(2) who is employed or intends to be employed or to carry on a vocation in a consolidated city shall register with the police chief of the consolidated city. If an offender is or intends to be employed or carry on a vocation in more than one (1) county, the offender shall register











with the sheriff of each county. However, if an offender is employed or intends to be employed or to carry on a vocation in a county containing a consolidated city and another county, the offender shall register with the police chief of the consolidated city and the sheriff of the other county.

- (d) An offender described in subsection (a)(3) shall register with the sheriff of the county where the offender is enrolled or intends to be enrolled as a student. However, if an offender described in subsection (a)(3) is enrolled or intends to be enrolled as a student in a county containing a consolidated city, the offender shall register with the police chief of the consolidated city.
- (e) An offender described in subsection (a)(1)(B) shall register with the sheriff in the county in which the real property is located. However, if the offender owns real property in a county containing a consolidated city, the offender shall register with the police chief of the consolidated city.
- (f) An offender shall complete a registration form. Each sheriff or police chief of a consolidated city shall make the registration forms available to registrants.
- (g) The offender shall register not more than seven (7) days after the offender:
 - (1) is released from a penal facility (as defined in IC 35-41-1-21);
 - (2) is released from a secure private facility (as defined in IC 31-9-2-115);
 - (3) is released from a juvenile detention facility;
 - (4) is transferred to a community transition program;
 - (5) is placed on parole;
 - (6) is placed on probation;
 - (7) is placed on home detention; or
 - (8) arrives at the place where the offender is required to register under subsection (b), (c), or (d);

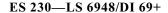
whichever occurs first.

- (h) Whenever an offender registers with a sheriff or the police chief of a consolidated city, the sheriff or police chief shall immediately notify the institute of the offender's registration by forwarding a copy of the registration form to the institute.
- (i) The sheriff with whom an offender registers under this section shall make and publish a photograph of an offender on the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. The police chief of a consolidated city with whom an offender registers under this section shall make a photograph of the offender that complies with the requirements of IC 36-2-13-5.5 and











transmit the photograph (and other identifying information required by IC 36-2-13-5.5) to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. Every time a sex offender submits a new registration form to the police chief of a consolidated city, but at least once per year, the police chief shall make a photograph of the sex offender that complies with the requirements of IC 36-2-13-5.5. The police chief of a consolidated city shall transmit the photograph and a copy of the registration form to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. The sheriff of a county containing a consolidated city shall provide the police chief of a consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sheriff's sex offender registry web site established under IC 36-2-13-5.5.

- (j) When an offender completes a new registration form, the sheriff or police chief of a consolidated city shall:
 - (1) forward a copy of the new registration form to the:
 - (A) institute; and
 - (B) department of correction if the department has established an automated victim notification system under IC 11-8-7; and
 - (2) notify every law enforcement agency having jurisdiction in the area where the offender resides.

SECTION 4. IC 11-8-7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 7. Victim Notification Services

- Sec. 1. As used in the chapter, "registered crime victim" refers to a crime victim who registers to receive victim notification services under section 2(a)(4) of this chapter if the department establishes an automated victim notification system under this chapter.
- Sec. 2. (a) The department may establish an automated victim notification system that must do the following:
 - (1) Automatically notify a registered crime victim when a committed offender who committed the crime against the victim:

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- (A) is assigned to a:
 - (i) department facility; or
 - (ii) county jail or any other facility not operated by the department;
- (B) is transferred to a:
 - (i) department facility; or
 - (ii) county jail or any other facility not operated by the department;
- (C) is given a different security classification;
- (D) is released on temporary leave;
- (E) is discharged; or
- (F) has escaped.
- (2) Allow a registered crime victim to receive the most recent status report for an offender by calling the automated victim notification system on a toll free telephone number.
- (3) Notify a registered crime victim concerning a change in the status of:
 - (A) a criminal appeal;
 - (B) a writ of habeas corpus proceeding;
 - (C) an appeal from the granting of a petition for postconviction relief; or
- (D) a postconviction proceeding in a capital case; concerning the committed offender who committed the crime against the registered crime victim.
- (4) Allow a crime victim to register or update the victim's registration for the automated victim notification system by calling a toll free telephone number.
- (b) For purposes of subsection (a), if the department establishes an automated victim notification system, a sheriff responsible for the operation of a county jail shall immediately notify the department if a committed offender:
 - (1) is transferred to another county jail or another facility not operated by the department of correction;
 - (2) is released on temporary leave;
 - (3) is discharged; or
 - (4) has escaped.

Sheriffs and other law enforcement officers and prosecuting attorneys shall cooperate with the department in establishing and maintaining an automated victim notification system.

- (c) An automated victim notification system may transmit information to a person by:
 - (1) telephone;







- (2) electronic mail; or
- (3) another method as determined by the department.
- Sec. 3. (a) The department must ensure that the offender information contained in an automated victim notification system is updated frequently enough to timely notify a registered crime victim that an offender has:
 - (1) been released;
 - (2) been discharged; or
 - (3) escaped.
- (b) The failure of an automated victim notification system to provide notice to the victim does not establish a separate cause of action by the victim against:
 - (1) the state; or
 - (2) the department.
- Sec. 4. If the department establishes an automated victim notification system under this chapter, the department, in cooperation with the Indiana criminal justice institute:
 - (1) may use money in the victim and witness assistance fund under IC 5-2-6-14(e); and
 - (2) shall seek:
 - (A) federal grants; and
 - (B) other funding.
- Sec. 5. The department may adopt rules under IC 4-22-2 to implement this chapter.".

and when so amended that said bill do pass.

(Reference is to SB 230 as printed January 20, 2005.)

ULMER, Chair

Committee Vote: yeas 9, nays 0.







